

Approved

**Public Hearing
Town Board & Plan Commission of the Town of Polk
Polk Town Hall, 3680 State Hwy 60, Slinger WI
Tuesday - March 3, 2015 at 7:30 p.m.**

The meeting was called to order at 7:30 p.m., followed by the Pledge of Allegiance,

Official Meeting Notification was sent to the West Bend Daily News, WBKV/WTKM radio stations, Milwaukee Journal Sentinel; posted on the Town's website and on bulletin boards at Cedar Hills Subdivision, Roskopf's RV Center, and at the Town Hall; and published in the West Bend Daily News.

Roll Call: Town Board members: Supervisor Robert Roecker, Chairman Albert Schulteis, Clerk Marlyss K. Thiel, and Treasurer Tracy Groth. Supervisor Ted Merten has an excused absence. Plan Commission members: Karen Reiter, Mark Peters, Dennis Sang, Timothy Yogerst, William Whitney, and Zoning Secretary Tracy Groth.

Public Hearing Procedures were read by Chairman Schulteis.

Chairman Schulteis read the Public Notice as follows:

Joint Public Hearing on Tuesday, March 3, 2015, at 7:30 p.m., at the Polk Town Hall, 3680 State Hwy 60, Slinger to consider:

An application from ITEX Company, an Illinois partnership or its assignees, c/o Aber Hollander, for a conditional use permit in accordance with Section 4.0 of the Town's Title X Zoning Ordinance, to operate a Residential Based Addiction Treatment Service (Community Based Residential Facility). Business to be located at 4509 Arthur Road and 4505 Arthur Road, Slinger, Washington County, Wisconsin. Property Owners Joseph J. Mentor and Kathleen L. Mentor; and Steven M Kearns respectively. Tax Key Nos.

T9-0364-00B, T9-0364-00D, T9-0634-00C.

Legal description:

PARCEL 1:

LOT ONE (1) AND AN UNDIVIDED ½ INTEREST IN OUTLOT ONE (1) OF CERTIFIED SURVEY MAP NO. 4529, RECORDED IN THE WASHINGTON COUNTY REGISTRY ON AUGUST 9, 1995 IN VOLUME 30 OF CERTIFIED SURVEY MAPS ON PAGES 185-187, AS DOCUMENT NO. 697229 AND BEING PART OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 8, AND PART OF THE WEST 50 ACRES OF THE NORTHWEST ¼ OF SECTION 9, ALL IN TOWN 10 NORTH, RANGE 19 EAST, TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN.

PARCEL 2:

LOTS TWO AND THREE (2) AND (3) AND AN UNDIVIDED ½ INTEREST IN OUTLOT ONE (1) OF CERTIFIED SURVEY MAP NO. 4529, RECORDED IN THE WASHINGTON COUNTY REGISTRY ON AUGUST 9, 1995 IN VOLUME 30 OF CERTIFIED SURVEY MAPS ON PAGES 185-187, AS DOCUMENT NO. 697229 AND BEING PART OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 8, AND PART OF THE WEST 50 ACRES OF THE NORTHWEST ¼ OF SECTION 9, ALL IN TOWN 10 NORTH, RANGE 19 EAST, TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN.

Applicant Presentation by Aber Hollander, Principal of ITEX: (A CBRF is a Community Based Residential Facility)

I would like to begin by thanking the Town Officials and the Town as a whole, for coming together tonight and allowing us to present our project to you tonight. Millennium Manor is the name the

owners have given the property, and I will address it as that as we go through this slide presentation and the proposed program for tonight. The name may change at a future date. The campus itself is comprised of two homes, 4509 Arthur Road, as well as 4505 Arthur Road. Collectively they sit upon approximately 40 stunning acres, with two beautiful homes. The property is secluded, with a private road and gate. With the combined homes, we have approximately 25,000 square feet of building space. There are detached and attached garages, tennis court/basketball court, 2 swimming pools, and ponds. There are very few changes that we need to make to the property. The exterior would stay the same, and the interior changes would be in accordance with the Building Inspector and the applicable state requirements required.

Impact on the local area: It will have a very low-profile, with an almost like resort type atmosphere, it will have minimal traffic increase for the area. It is a property that is not clearly visible from the road, and it is secluded on a self-sustained property. The property does have a fence, and we plan to continue that fence around the entire property.

The setting is luxurious, and this presentation will help explain what our clientele will be, and how we will operate. Seclusion of the property offers a confidential, tranquil setting to our clients with both a safe environment and privacy. It will be self-contained, with the amenities included within, so they will not need to go outside of the property for any reason.

The program itself is a private-pay program, which means that insurance will subsidize some of the costs, with out-of-network benefits; but as a whole, the cost will fall upon the client. The maximum capacity of the program would be 24 (twenty-four) clients, and they would stay on the property from 28 – 60 days. They are there to get better, and to go back to their communities.

The typical cost for 30 days is roughly \$35,000. These clients will be people who can afford a higher-class treatment. We would be treating people who are in recovery from gambling addiction, alcohol and substance abuse, which would include pain medications. These clients are required to be medically stable before they come on the property. We will not be offering detox services on the property. If someone is in need of detoxification services, they will get that at a hospital prior to their stay on the property. Once they arrive here, they will be medically stable, and we will have the staff to care for them internally.

The clientele will revolve around the price that we are charging. This is for adults; no adolescents will be at this facility. With the setting that we have, we feel we can better serve adults who are looking for a high quality treatment. This is an elective program. These people will come because they want to be here, to change their behavior and way of life. Our clientele will include professionals such as corporate executives, business owners/managers, attorneys, physicians, architects, engineers. Unfortunately this is a large problem in this country, and people are in all communities who need this program.

We will have a high-caliber professional staff with a ratio of 1.5 to 2 staff members per client to be sure that our clients have the attention that they need. This allows us to be self-contained, without using other outside resources to manage those clients. We will be creating over 30 jobs, which include therapists, counselors, consulting physicians, nurses, maintenance and housekeeping, chefs and kitchen staff, marketing and administrative staff, and massage therapists, acupuncturists, yoga therapists, and nutritionists. This speaks to the level of staff on hand for our clients, and the level of luxury that we are able to offer.

The program will be under the guidance of an established addictionologist and psychologist and it will be led by a team of experts in the field. This will allow us to provide a level of quality to our program to team with our level of luxury provided with the grounds and buildings of this property.

Who we are: We are a health-care focused ownership group with over 30 years of experience. Our experience is in developing and operating reputable programs. This is a family business; I am a third generation family member. We are quality-driven, with the service that we provide and the staff that we employ. We plan to continue this quality of care here too, we are a for-profit business, and we run it like a family business. Both our staff and the communities in which we do business appreciate that as well. Quality is what makes our program successful. We give back to the communities in which we are located.

Other reputable programs in the Midwest are Hazelton (Betty Ford Foundation) in Center City, Minnesota and in Chicago, Illinois and they have waiting lists of people wanting to come to the Midwest to seek treatment. Most facilities are located in destination cities in California. Some competitors of ours are Passages and Promises in California. These are housed in residential settings, where they are comfortable, and have the level of comfort to get back into living their lives with their families. Thank you for letting me speak to you.

Public Comments.

Gary Britton, 4458 Summit Ridge, Slinger. My property does not abutt the property, but I can see it from the back of my property and I can hear noises in our neighborhood. I searched the internet, and found that the ITEX Corporation making this proposal, is a management consulting company, and I could not find who would be running this company and what kind of success rate they have. Who will hold this conditional use permit, and who is the responsible party here? Who runs the other facilities, and how long have they been in existence? You mentioned alcohol, drug and gambling addiction, what other addictions would you address? The application only says "other". What guarantees do we have that this for-profit business does not become a non-profit business down the road?

Larry Winkelhake, 3540 County Road C, West Bend. I don't live even near this property, but one concern should be the automobile traffic will bring about 20 – 25 staff people around the clock times three shifts. If I were living next to the property, I would be concerned about the amount of cars going by each day.

Wayne Billings, 4474 Summit Ridge. My property is virtually next door to Mr Brittons. I am not familiar with the monitoring rules of conditional use permits, when they are monitored, who gets the reports, and I have a concern about the possibility of setting a precedent for facilities that claim they are similar in nature and activity.

Katie Martin, 4078 Pleasant Valley Road, West Bend. I live within walking distance of this property. It is not clear as to them purchasing or renting the properties from the current owners. I am concerned about the benefit to our community. I do not feel it is an affordable treatment to people in our community. Of the examples he gave, are these other companies like they want to do, or are these other companies of theirs? I also researched this company on line, and have not found any information. I also am concerned about the traffic that this will generate. I am already concerned about the traffic that we do have on our road, and don't want my kids to ride their bikes on the road because of it.

Steve Hoch, 4136 Kettle Ridge Trail, Slinger. When you have 20 employees, how will you address outdoor lighting associated with that, and is this the \$6 million dollar house reduced to \$2 million? (yes).

Laura Kleber, 4478 White Hawk Trail, Slinger. My property does abutt the property. You would be outside my front door. Your number of staff would be about 48 per day coming in, not to mention laundry service, food service, pharmacy service, family and friend visitation. My other issue is the financial responsibility to the county as a whole. What are you looking at for crisis intervention, such as emergency detention planning, working with local law enforcement, and local human services agencies? If one of your persons is out of control and the law enforcement has to do an extraction, the county is responsible for 3-days of that service for inpatient services at a local hospital, and that cost is at \$1100.00 per day, and paid by county tax levy. That is not from insurance. As a property owner, I am concerned about sex addicts in my back yard. What is your track record? You have experience with rehab? That is totally different from addiction. You cannot bring in your Illinois services, they have to be licensed and certified in Wisconsin. Are you planning to be addiction services or CDRF? I am unclear of where you are going. I don't see an increase in tax dollars for the Town, whether it is a facility or a residential home, I believe the tax revenue is the same.

Joe Laszkiewicz, 3838 County Hwy C, West Bend. I built my home here as an investment. A \$3 million dollar home helps increase the value of my home. A \$3 million dollar treatment facility tends to decrease my value, in my opinion. I am also concerned about their past experience.

Karey Conrad, representing my parents Christina and Charles Naber, who live adjacent to the facility (4495 White Hawk Trail, Slinger). I would like to read a letter from my parents: The facility will affect my property value and negatively affect the sale of our property. This is the first of several objections that I have. Both owners have had their homes for sale for over a year. The DNR land and the fence not being around all of the property. There is hunting on that land and people have access to the DNR land. There will be noise from the property with people using the pool and the property in the summer, which will destroy the peace and solitude of the area.

Tracy Groth read letters:

Received from G. Donald Shanks, W4498 N Longfellow Lake Road, Waupaca WI. (Owner of properties on Arthur Road and White Hawk Trail, Slinger) I purchased my property in the Town of Polk to enjoy the peace and solitude of country living in the Kettle Moraine area of Wisconsin. The 24 bed CBRF treatment center will decrease the value of my property. Noise and traffic level will increase my enjoyment of the country living. The applicant does not appear to have experience in operating a treatment facility. I ask the Plan Commission and Board to review the current residential treatment options in the community. In my opinion, the options available are quite adequate within the community and the addition of the ITEX facility would not enhance the addiction treatment options in our community. I would request the Commission and Board review all of the tax implications on our community and deny the application. This property was developed as a residential property, and allowing this to be developed into a mental health facility in our community has no place within the Town. There will be negative impacts and association with this property forever, and it should not be allowed to succeed. Once it is allowed to be turned into a mental institution, there is no turning back. The property would forever be known as the sanitarium in Polk, the value to residential properties will be lost. Looking at the zoning map, these facilities belong in areas designated as institutional. Should the Town of Polk go ahead and grant this conditional use permit, consideration should be given to the cost to taxpayers of the Town, to defend their actions in court.

Resident Joseph J. Balistreri, 4664 Fontana Road. For the record, I oppose the request for turning two houses into a drug and rehab facility. What is the benefit to the town? The tax revenue would be basically the same. The need for fire and police services would be increased. The neighbors will not benefit from the increase in noise and traffic outside their home. Did anyone notice there is a

bar outside of the front gates of the properties? In no way does this enhance our properties. I oppose this.

Mr Naber's e-mail passages missed by daughter's reading. Upon investigation of various codes and statutes of the State of Wisconsin for CBRF's, I found that there is a non-compliant status with the current properties with issues that need to be investigated and confirmed prior to issuing any granting of conditional use permits. Wisconsin Statute 50.01 Existing Properties do not conform to CBRF. Another objection is that the property is not completely fenced in and this would invite trespassers of staff or addiction treatment people upon my property. Activity and noise will affect my property. I feel a more suitable place for this property should be solicited benefiting both neighbors and property.

No more comments were made. Chairman Schulteis declared the Public Hearing closed.

Chairman Schulteis announced the meeting is now open for the question/answer portion.

Hal Karas, attorney for ITEX asked Abe Hollander, Principal of ITEX and Rob Ryber, Consultant to answer questions that were raised here tonight.

1. **Who we are and what is our expertise:** Yes, the rehab that we are currently involved in is physical rehab. We have three programs in Florida, and four in the Chicago North Shore area. What sets our program apart from others is that we hire the right people and provide quality care, and we gain the trust of the hospitals that we work with.
2. The team that will lead this program and their expertise will be addressed by Robert Ryberg who is experienced in the abuse and behavioral healthcare field. He will be putting this team together and they will share in the way the program will be run. I feel he can answer your clinical natured questions better.
3. ITEX represents the family partnership that has ownership stake in these programs and operates these programs. The fact that there is not much out there on the internet under the name ITEX, is because it will be operated as a stand-alone entity, with the experience that we have, and with the people that we will be employing for their experience and expertise. ITEX also has the ownership stake who will manage these programs with a quality reputation.
4. **Wisconsin licensing rules and regulations for CBRF:** Attorney Karas stated that Aber knows and his intent is to comply with Wisconsin rules and laws. His experience may not be in Wisconsin, but that is why he has hired Wisconsin lawyers. Everyone who works at this facility will be licensed by the State of Wisconsin and the facility and the program itself will be licensed as required, by the State of Wisconsin.
5. Robert Ryberg explained that they will be treating what is referred to as "process addictions". Those are gambling, generally are co-dependent disorders like dependence and substance abuse. I am a partner of Peak Consulting Partners; we are a financial management and clinical consulting group for the behavioral and clinical healthcare addiction treatment space. We start facilities like this across the country. Working with ITEX and Millennium Manor, we will be hiring clinicians within Wisconsin, and so we are well aware that we will not be bringing Illinois clinicians to Wisconsin. We will be compliant with applications, and will hire clinicians with Masters and/or PHD level on their licenses. We will also have the CBRF as designated by licensing here in Wisconsin.
6. Attorney Karas said there are a lot of regulations that the state has when it comes to licensing any program that is licensed by the state, which was noted in one of the questions tonight. There are two sections that we will be working with, as was noted. There is the substance abuse portion of the code, as well as the CBRF portion and that is why it is listed on the application. Because facilities of this nature are housed in residential settings, and

that is part of the title, that from the fact that it is a residential program. The state of Wisconsin has chosen to utilize the CBRF code to dictate the life-safety issues. CBRF is unique to Wisconsin; some other states have similar programs, but the state of Wisconsin has created the ability to take a residence, and to be able to use it for public-based use. In the CBRF code, it is allowed to take a house or a residence in a residential setting, to meet strict building requirements, and to still operate as a facility. Yes, we have attorneys and architects working on the conversion/changes that we will make (and these are internal changes) to meet the state life-safety requirements.

7. **Fencing:** In regard to the fences, this was addressed in the presentation earlier; the current fencing will be expanded to encompass the entire grounds. This will provide a safe environment for the project and their neighbors.
8. **Traffic:** From an admissions standpoint, we do not feel we would have more than four admissions per month, so you would not feel an increase in client traffic. When we speak to family visitation, it will generally be one afternoon per week, on site. The questions were coming forward in the ground maintenance and service; we have included that traffic in our estimates. As far as the program being for 24 clients, we may only have 19, but we do not want to say we will have 19, and have to come back to you again to expand that to 24. So we are talking about a true 24 maximum.
9. **Noise factor:** We will try to be sensitive to the noise factor. But remember, we will not be throwing parties on the property. We are talking about treating people, and that will be in a serene environment. We do understand that we are in a community. We want to work well with the community and the public Officials, and not to negatively affect the atmosphere of the community.
10. **Will it tax community services:** The program is designed to not overly use these outside services. There are fire suppression requirements for this type of a facility and those would be installed, there will be staff on-site that will be trained for emergency situations and protocols. So the thought process is that this should not cause an unreasonable burden of services that the town provides.
11. **Effect of facility on the value of properties:** There are studies that show that these decrease, and ones that show they increase values. The programs offered have an effect on its value. The fact that this property is secluded, on a 40-acre parcel, set back from Arthur Road, the entrance is consisting of a gate, and will only hold an address on the sign. The facility will not have a sign advertising the program. It is surrounded by land that cannot be built on, so yes, we have neighbors but the number of those impacted is minimal. Its effect on the value of properties should be positive because this will be a premier program.
12. **Issues addressed tonight:** These are all serious issues raised by the community; we are glad that they came up. We do not have answers for all of the questions that came up this evening, but that is because this is still a work-in-progress; we are still working with the state on its requirements and what we need to do to get there.
13. **We appreciate your questions, and we understand that there are questions that we will have to continue to address** until we get to a better resolution. Especially the questions about the actual services and physical changes that will be required. We understand that this is a working dialogue and that the conditions of this permit will change.
14. **Effects of exterior lighting in the parking area, on other properties:** Parking is something that we will work with the town, to provide sufficient space and install lights. Of course, with the nature of the property and having the parking near the conservation area, I think we can work with the town to install lighting that would not affect surrounding area properties, adjacent to ours. There are lighting standards that you can install that guide the lights downward, and of the 40 acres, there is already a parking area with some sort of lighting.
15. **Will residents of the facility have their own vehicles:** No they will not.

16. **Plans for the surrounding community:** There is already fencing and a surveillance system in place, and we will be expanding on that.
17. **What value does this treatment facility bring to the Town of Polk:** In regard to the tax question, we are applying as a “for-profit” company. We will not be seeking any non-profit status in any way/shape/or form. Aside for the job opportunities, what we would be able to provide for the town itself, or for services to anyone who would not be able to afford the full price of the program—I think that without giving any definitive answer right here, I would say that we would like to help the individual, whether that would be in the form of a scholarship program, or other form, to be able to help the local community with this epidemic which is facing this country, if they would not be able to afford the program as it stands today.
18. **Sexual Abuse treatment:** That is not in our program. There are many programs out there that offer those services, and we will not.
19. **Cost to the County because of hospital/police/rescue services:** Plans are being made to have our staff available 24/7 to handle these situations. Could something happen? Yes, but steps are made to ensure they will not. But things do happen, and I would not be able to commit tonight if we would be able to cover the costs to the county. That is something that would be discussed in future discussions. The main plan is to have a safe facility.
20. **Clients for this facility:** They will not be coming and going. They will be staying on site the entire time. These people will be here because they want to be, and they want to get the help that we provide. There is a great need in the state of Wisconsin for high-end care. If you look at other states, like Florida and California, they have high-end care. Here we do not. We are hoping to be able to service professionals within this community. If you look at the state of Wisconsin there is a great need among professionals for a facility such as this. These people pay a great amount of money to be at this facility and they want to get well. As far as the bar in the area, it is down the road from this facility and I do not see it as an issue. We are there 24/7 to be with our clients.
21. **Facility is not a locked facility:** There is surveillance, but they are monitored and kept safe. It is our concern to know where everyone is at every given moment. It is our facility and our property and we are responsible for our clients. We will make sure that we have the electronic safeguards in place to be sure we know where are clients are at all times.
22. **Will the property be leased or purchased:** The property is under contract and will be purchased. It will not be leased.
23. **Visitation:** Clients will have family members visit, but it will not occur until they are there for about 3 weeks. Visits do have to be managed properly for the success of the program. Family members will be able to visit, not friends. This will occur one afternoon per week only.

Chairman Schulteis declared the public hearing closed.

Adjourn. Supervisor Roecker moved to adjourn. Chairman Schulteis seconded the motion. Meeting adjourned at 8:43 p.m.

Respectfully Submitted,

Marlyss K. Thiel, Town Clerk.